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STANDARD INSURANCE COMPANY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LAURIE ORANGE,
Plaintiff,
vs.

STANDARD INSURANCE
COMPANY, a corporation; and DOES
1 through 10, inclusive,

Defendants.

Case No.: 3:08-cv-00686 BTM-CAB
JOINT RULE 26(f) REPORT

1 The parties, plaintiff Laurie Orange (“Orange”) and defendant Standard
2 Insurance Company (“Standard”), jointly and respectfully submit the following
3 Report on their Rule 26(f) meeting in this case.

4
5 1. The nature and basis of the claims and defenses. Fed. R. Civ. Proc. Rule
6 26(f)(2):

7 Orange was a Deputy County Counsel for the County of San Diego. She
8 made a claim of disability to Standard that was accepted and then closed. Orange
9 alleges that Standard improperly applied a Musculoskeletal and Connective Tissue
10 Disorder Limitation (the “Limitation”) contained in the policy at issue to close her
11 claim for long-term disability insurance benefits. Standard’s position is that the
12 Limitation was properly applied. Orange further asserts that Standard handled her
13 claim unreasonably so as to render Standard liable to her for compensatory tort
14 damages. Further, she alleges that Standard handled her claim with malice, fraud,
15 oppression or in conscious disregard of her rights, so that Standard is liable to her
16 for punitive damages. Standard denies these allegations and specifically denies
17 that it committed “bad faith” at all or any misconduct at all, much less that
18 approaching the level required to support a claim for punitive damages. Standard
19 asserts that there is a genuine dispute of law and/or fact as to its contractual
20 liability, so that Standard is not liable for unreasonable (“bad faith”) claims
21 handling and cannot thereby be liable to Orange for punitive damages.

22
23 2. Possibilities for promptly settling or resolving the case. Fed. R. Civ. Proc.
24 Rule 26(f)(2):

25 There have been only very preliminary settlement discussions. It is
26 anticipated that Orange will make a demand for settlement and that the Court will
27 then discuss settlement with the parties at the MSC set for July 23, 2008, before
28 Magistrate Judge Bencivengo. As agreed, Standard’s settlement representative

1 will not personally attend but will be on telephone stand-by at all times during the
2 planned MSC.

3
4 3. Making or arranging for Initial Disclosures under Rule 26(a). Fed. R. Civ.
5 Proc. Rule 26(f)(2):

6 The parties jointly request that the court order completion of Initial
7 Disclosures on or before August 22, 2008.

8
9 4. Issues with regard to preservation of discoverable information. Fed. R.
10 Civ. Proc. Rule 26(f)(2):
11 None have currently been identified.

12
13 5. Discovery Plan. Fed. R. Civ. Proc. Rule 26(f)(3):

14 (A) Changes proposed in the timing, form, or requirement for disclosures
15 under Rule 26(a), including a statement of when initial disclosures were
16 made or will be made.

17 No changes are proposed in the timing form or requirement for disclosures
18 under Rule 26(a). The parties jointly request that the court order completion of
19 Initial Disclosures on or before August 22, 2008.

20
21 (B) The subjects on which discovery may be needed, when discovery
22 should be completed, and whether discovery should be conducted in
23 phases or be limited to or focused on particular issues.

24 The parties jointly note that this case is in its very earliest stages, and
25 additional issues, evidence and witnesses may well be discovered.

26 Subject to the foregoing, Orange will take the depositions of Standard's
27 claims handling personnel, including medical and vocational consultants, and
28

1 reserves the right to depose other individuals, including expert witnesses, that may
2 be identified in Initial Disclosures or discovery generally.

3 Subject to the foregoing first sentence of this paragraph, Standard will take
4 the deposition of Orange, family members who will support her claim at trial, her
5 last two employers, her physicians and reserves the right to depose other
6 individuals, including expert witnesses, that may be identified in Initial Disclosures
7 or discovery generally.

8 Each party will serve sets of interrogatories, requests for production and
9 requests for admission.

10
11 (C) Any issues about disclosure or discovery of electronically stored
12 information, including the form or forms in which is should be
13 produced.

14 None have currently been identified.

15
16 (D) Any issues about claims of privilege or of protection as trial preparation
17 materials, including--if the parties agree on a procedure to assert these
18 claim after production--whether to ask the court to include their
19 agreement in an order.

20 None have currently been identified.

21
22 (E) What changes should be made in the limitations on discovery imposed
23 under these rules or by local rule, and what other limitations should be
24 imposed.

25 None have currently been identified.

26
27 (F) Any other orders that the court should issue under Rule 26(c) or under
28 Rule 16(b) and (c).

1 None have currently been identified.

2
3 In case the Court wishes to solicit the parties' views on case scheduling
4 generally, the parties include the following discussion:
5

6 **Orange proposes the following case deadline dates:**

7 Discovery Cut Off: January 15, 2009

8 Expert and Rebuttal Expert Disclosure: As per Rule 26.

9 Pretrial Conference: May 2009

10 Trial: anticipated length 5-7 court days
11

12 **Standard proposes the following case deadline dates:**

13 Discovery Cut Off: April 15, 2009

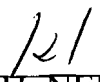
14 Expert and Rebuttal Expert Disclosure:

- 15 • Orange: January 15, 2009
- 16 • Standard: February 13, 2009
- 17 • Orange Rebuttal Reports: February 27, 2009
- 18 • Standard Rebuttal Reports: March 13, 2009

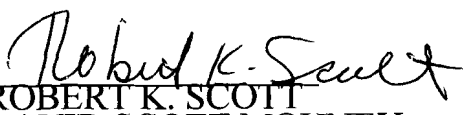
19 Pretrial Conference: May 2009

20 Trial: June 2009, anticipated length, five court days

21 Dated: July 18, 2008

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24 Attorney for Defendant
25 STANDARD INSURANCE COMPANY
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1 Dated: July 18 2008

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